



**NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 1038**

AMENDMENT NO. \_\_\_\_\_  
(to be filled in by  
Principal Clerk)

H1038-AMG-56 [v.2]

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Amends Title [NO]  
PCS

Date \_\_\_\_\_, 2020

Representative Hanig

1 moves to amend the bill on page 10, lines 17-18, by inserting between the lines a new subdivision  
2 to read:

3  
4 "c. To allocate \$400,000 in nonrecurring funds to the Department of Health and  
5 Human Services, Division of Mental Health, Developmental Disabilities, and  
6 Substance Abuse Services, for the purchase of units of opioid antagonist, as  
7 defined in G.S. 90-12.7 of the General Statutes, to be distributed free of charge  
8 to opioid treatment programs operating in this State for the purpose of  
9 preventing the overburdening of the State's health care system, hospital  
10 emergency departments, and intensive care units with patients addicted to  
11 opioids or experiencing opioid overdose during the COVID-19 emergency,  
12 and to mitigate the loss of life associated with opioid overdose in this State  
13 during the COVID-19 emergency."; and  
14

15 on page 17, lines 32-22, by inserting between the lines a new Part to read:

16 **"PART III-C. FUNDS FOR OVERDOSE MEDICATIONS**

17 **SECTION 3C.1.(a)** It is the intent of the General Assembly to prevent the  
18 overburdening of the State's health care system, hospital emergency departments, and intensive  
19 care units with patients addicted to opioids or experiencing opioid overdose during the the  
20 COVID-19 emergency, and to mitigate the loss of life associated with opioid overdose in this  
21 State during the COVID-19 emergency. To that end, the Department of Mental Health,  
22 Developmental Disabilities, and Substance Abuse Services (DMH/DD/SAS) shall use the funds  
23 allocated in Section 3.3(21)(c) of this act to purchase units of opioid antagonist, as defined in  
24 G.S. 90-12.7 of the General Statutes. DMH/DD/SAS shall distribute these opioid antagonist units  
25 at no charge to opioid treatment programs operating in this State for the purposes specified in  
26 subsection (b) of this section. As used in this section, an opioid treatment program means a  
27 program or practitioner with a current and valid registration under 21 U.S.C. § 823(g)(1) that is  
28 engaged in dispensing opioid agonist medication for the treatment of individuals with opioid use  
29 disorders.

30 **SECTION 3C.1.(b)** Each opioid treatment program operating in this State shall do  
31 all of the following within two weeks after receipt of the opioid antagonist distributed by  
32 DMH/DD/SAS pursuant to subsection (a) of this section:



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- 1           (1)    Provide a prescription for opioid antagonist for each program participant who  
2                    meets at least one of the following criteria:  
3                    (a)    Is a Medicaid recipient.  
4                    (b)    Has prescription drug coverage for opioid antagonist.  
5           (2)    To the extent that units are available from those distributed by DMH/DD/SAS  
6                    pursuant to subsection (a) of this section, provide at least one unit of opioid  
7                    antagonist to each program participant who meets at least one of the following  
8                    criteria:  
9                    (a)    Is uninsured.  
10                  (b)    Lacks prescription drug coverage for opioid antagonist.  
11                  (c)    Is receiving opioid use disorder services funded by a grant, a local  
12                          management entity/managed care organization (LME/MCO), or  
13                          another source of funding not associated with the federal Centers for  
14                          Medicare and Medicaid Services or a commercial payor.  
15           (3)    To the extent that units are available from those distributed by DMH/DD/SAS  
16                    pursuant to subsection (a) of this section, or otherwise available to program  
17                    participants through the State's Medicaid program or other prescription drug  
18                    coverage for opioid antagonist, provide each program participant who has  
19                    take-home medication privileges with the opportunity to obtain prescription  
20                    refills for opioid antagonist.

21           **SECTION 3C.1.(c)** Nothing in this section shall be construed as an obligation by the  
22   General Assembly to appropriate funds for the purpose of this section, or as an entitlement to any  
23   opioid treatment program or any opioid treatment program participant to receive opioid  
24   antagonist under this section.".

SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_      FAILED \_\_\_\_\_      TABLED \_\_\_\_\_